



IAP07Rec'd PCT 22 JAN 2008

PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Roland Belser

Examiner: Unassigned

Serial No.: 10/578,814

Art Unit: Unassigned

Filed: May 4, 2006

Docket: 19715

For: AXIAL PISTON MACHINE

Dated: January 18, 2008

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF ABANDONMENT

Sir:

This is in response to the Notification of Abandonment dated December 18, 2007 regarding the above-identified application. Said Notification (copy attached hereto) indicates that the subject application was abandoned for failure to respond to the Notification of Missing Requirements mailed on March 13, 2007. Applicant respectfully submits that a response to said Notification of Missing Requirements was filed. In support of this, enclosed is a copy of said response, timely filed on April 5, 2007, together with a copy of a postcard stamped by the United States Patent and Trademark Office acknowledging its receipt.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

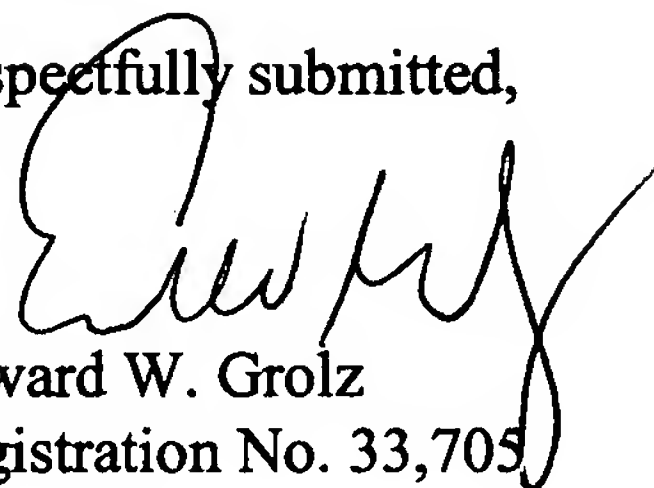
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on January 18, 2008.

Dated: January 18, 2008


Edward W. Grolz

Based on the above, it is respectfully requested that the abandonment of this application
be withdrawn.

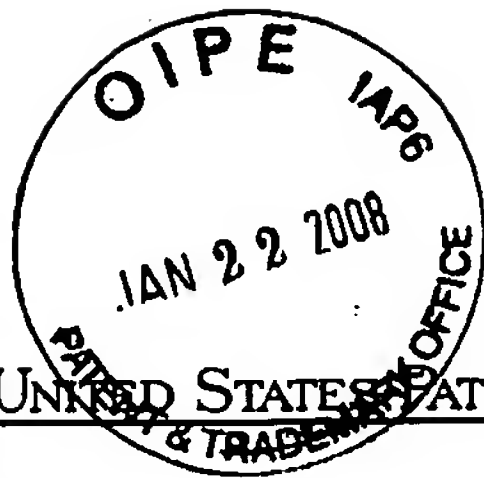
Respectfully submitted,



Edward W. Grolz
Registration No. 33,705

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza – Suite 300
Garden City, New York 11530
(516) 742-4343

EWG/kl



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/578,814	Roland Belser	19715

23389
SCULLY SCOTT MURPHY & PRESSER, PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

INTERNATIONAL APPLICATION NO.	
PCT/EP04/11988	
I.A. FILING DATE	PRIORITY DATE
10/22/2004	11/04/2003

CONFIRMATION NO. 8555
371 ABANDONMENT/TERMINATION
LETTER



Date Mailed: 12/18/2007

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 03/13/2007 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

TERRY M JOHNSON VESSELS

Telephone: (703) 308-9140 EXT 221



UNITED STATES PATENT AND TRADEMARK OFFICE

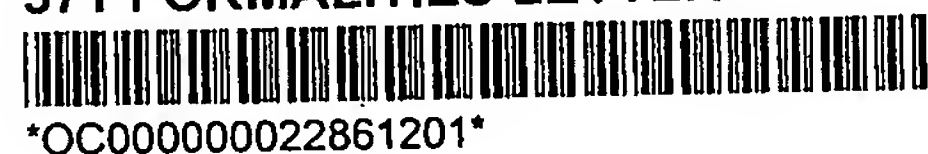
UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/578,814	Roland Belser	19715

23389
 SCULLY SCOTT MURPHY & PRESSER, PC
 400 GARDEN CITY PLAZA
 SUITE 300
 GARDEN CITY, NY 11530

INTERNATIONAL APPLICATION NO.	
PCT/EP04/11988	
I.A. FILING DATE	PRIORITY DATE
10/22/2004	11/04/2003

CONFIRMATION NO. 8555
 371 FORMALITIES LETTER



Date Mailed: 03/13/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/04/2006
- English Translation of the IA filed on 05/04/2006
- Copy of the International Search Report filed on 05/04/2006
- Copy of IPE Report filed on 05/04/2006
- Preliminary Amendments filed on 05/04/2006
- Information Disclosure Statements filed on 05/04/2006
- U.S. Basic National Fees filed on 05/04/2006
- Priority Documents filed on 05/04/2006

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/578,814	PCT/EP04/11988	19715

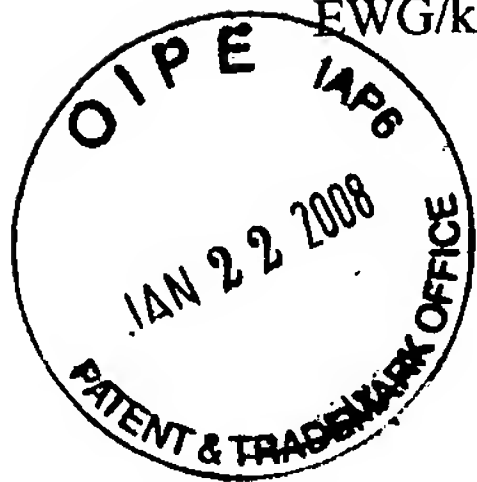
FORM PCT/DO/EO/905 (371 Formalities Notice)

PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. Submission of Declaration and Power of Attorney (in duplicate)
2. Copy of Notification of Missing Requirements
3. Executed Declaration/Power of Attorney
4. Certificate of Express Mail #EM 055627700 US dated April 5, 2007

Applicant: Roland Belser
Serial No.: 10/578,814
Filed: May 4, 2006
For: AXIAL PISTON MACHINE
Docket: 19715
Dated: April 5, 2007

EWG/kl



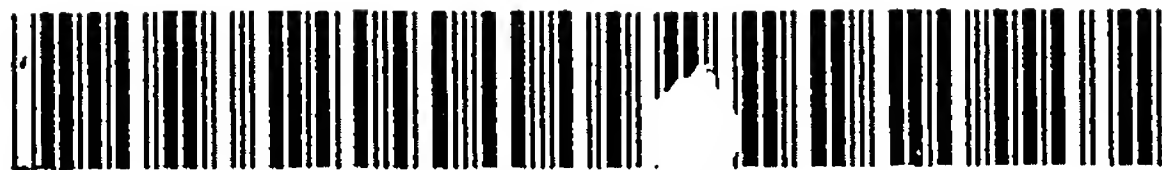
PATENT OFFICE DATE STAMP WILL ACKNOWLEDGE RECEIPT OF:

1. Submission of Declaration and Power of Attorney (in duplicate)
2. Copy of Notification of Missing Requirements
3. Executed Declaration/Power of Attorney
4. Certificate of Express Mail #EM 055627700 US dated April 5, 2007

Applicant: Roland Belser
Serial No.: 10/578,814
Filed: May 4, 2006
For: AXIAL PISTON MACHINE
Docket: 19715
Dated: April 5, 2007

EWG/kl

10/578,814 05 APR 2007



EM 055627700 US

Mailing Label
Label 11-F, April 2004



UNITED STATES POSTAL SERVICE®

Post Office To Addressee

PRESS HARD. YOU ARE MAKING 3 COPIES.

ORIGIN (POSTAL SERVICE USE ONLY)			DELIVERY (POSTAL SERVICE USE ONLY)		
PO ZIP Code	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day	Postage \$	Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Date Accepted	Scheduled Date of Delivery Month Day	Return Receipt Fee \$	Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Mo. Day Year	Scheduled Time of Delivery <input type="checkbox"/> Noon <input type="checkbox"/> 3 PM	COD Fee \$ Insurance Fee \$	Delivery Date	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Time Accepted <input type="checkbox"/> AM <input type="checkbox"/> PM	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Total Postage & Fees \$	Mo. Day	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.	
Flat Rate <input type="checkbox"/> or Weight lbs. ozs.	Int'l Alpha Country Code	Acceptance Emp. Initials	<input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday Customer Signature		
CUSTOMER USE ONLY METHOD OF PAYMENT: X115337 Express Mail Corporate Acct. No.			Federal Agency Acct. No. or Postal Service Acct. No.		
FROM: (PLEASE PRINT) PHONE () SCULLY SCOTT MURPHY & PRESSER 400 GARDEN CITY PLZ STE 300 GARDEN CITY NY 11530-3319 C# 127 M# 2287 D# 19715 EWG/k1			TO: (PLEASE PRINT) PHONE () Mail Stop PCT Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
FOR PICKUP OR TRACKING: Visit www.usps.com or Call 1-800-222-1811					

236/ 300

F:02 T:



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Roland Belser

Docket: 19715

Serial No.: 10/578,414

Art Unit: Unassigned

Filed: May 4, 2006

Dated: April 5, 2007

For: AXIAL PISTON MACHINE

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**SUBMISSION OF DECLARATION
AND POWER OF ATTORNEY**

Sir:

Enclosed is a Declaration and Power of Attorney for the above application previously filed without a declaration. The requisite \$130.00 surcharge for this filing was previously paid on May 4, 2006.

Any additional charges required in connection with this submission may also be charged to Deposit Account No. 19-1013/SSMP. A duplicate of this sheet is enclosed.

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Mailing Label Number: EM 055627700 US
Date of Deposit: April 5, 2007

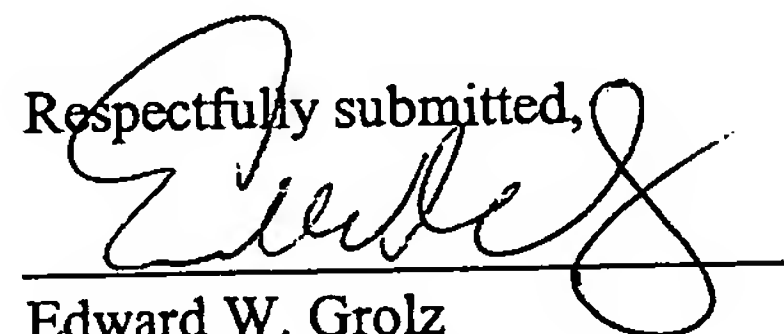
I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail Post Office to Addressee service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: April 5, 2007


Edward W. Grolz

This submission is believed to be timely and in compliance with 37 C.F.R. "1.497(a) and (b). A copy of the Notification of Missing Requirements, dated March 13, 2007, is enclosed as required.

Respectfully submitted,



Edward W. Grolz

Registration No. 33,705

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530
(516) 742-4343
EWG/kl

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

AXIAL PISTON MACHINE

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on October 22, 2004 as a United States Application No. or PCT International Application Serial No. PCT/EP2004/011988 and was amended on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37 Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 (a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

Number	Country	Date of Filing Day/Month/Year	Priority Claimed Under 35 U.S.C. 119
103 51 473.2	Germany	4/11/2003	X YES NO
			YES NO
			YES NO

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

(Application Number)

(Filing Date)

(Application Number)

(Filing Date)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C.F.R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.

Filing Date

Status

Application Serial No.

Filing Date

Status

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

CUSTOMER NO. 00272

Address all telephone calls to Leopold Presser at telephone no. 516-742-4343

Address all correspondence to Leopold Presser, Scully, Scott, Murphy & Presser, 400 Garden City Plaza, Suite 300, Garden City, New York 11530

Full name of sole or first inventor	
Roland Belser	
Sole or first inventor's signature	Date
<i>Roland Belser</i>	<i>08.06.2006</i>
Residence	
Unterstadt 11, D-72401 Haigerloch, Germany	
Citizenship	
German	
Post Office Address	
Same as above	

Full name of second inventor	
Second inventor's signature	Date
Residence	
Citizenship	
Post Office Address	